

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00052-MR-WCM

MICHAEL G. CAPPS,

Plaintiff,

VS.

**CHUCK HESTER and DEPARTMENT
OF INTERIOR,**

Defendants.

ORDER

THIS MATTER is before the Court on the *pro se* Plaintiff's "Proof of Service" [Doc. 8] and "Motion for Default Judgment" [Doc. 9].

On May 26, 2020, the Court entered an Order directing the Plaintiff to show cause why this case should not be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failing to effect service on the Defendants. [Doc. 7]. On June 3, 2020, the Plaintiff responded to the Court's Order by submitting a "Proof of Service" indicating that the Defendants have been served. [Doc. 8]. The Plaintiff also filed a motion seeking default judgment against the Defendants for their failure to respond to the Complaint. [Doc. 9].

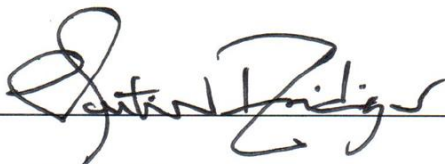
In light of the Plaintiff's filing of proof of service, the Order to Show Cause [Doc. 7] is discharged, and this action will be allowed to proceed. Based on the purported dates of service, the Defendants have until June 9, 2020, to answer or otherwise respond to the Plaintiff's Complaint. [Id.]. Accordingly, the Plaintiff's motion for default judgment is denied as premature.

IT IS, THEREFORE, ORDERED that the Order to Show Cause [Doc. 7] is **DISCHARGED**, and this civil action shall be allowed to proceed.

IT IS FURTHER ORDERED that the Plaintiff's "Motion for Default Judgment" [Doc. 9] is **DENIED** as premature.

IT IS SO ORDERED.

Signed: June 8, 2020



Martin Reidinger
Chief United States District Judge

